Notice of Allowability	Application No.	Applicant(s)	
	10/611,969	YANO ET AL.	
	Examiner	Art Unit	
	David Nhu	2818	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *8/16/04*.

2. ☒ The allowed claim(s) is/are *2-10*.

3. ☒ The drawings filed on *03 July 2003* are accepted by the Examiner.

4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a) ☒ All b) ☐ Some* c) ☐ None of the:
      1. ☒ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
      3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

   * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
   (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
   (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. Applicant's election of claims **1-10** is acknowledged. Because Applicant did not distinctly and specifically point out the supposed error in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). **Applicant have the right to file a divisional application covering the subject matter of the non-elected claims 11-14.**

The traversal is on the ground(s) that see the election paper. This is not found persuasive because the fields of search for method' and device claims are NOT coextensive and the determinations of patentability of method and device claims are different, that is process limitations and device limitations are given weight differently in determining the patentablitity of the claimed inventions. Also, the strategies for doing text searching of the device claims and method claims are different. Thus, separate searches are required.

The requirement is still deemed proper and is therefore made **FINAL**.

2. An examiner's amendment to the record appears below. Should the change and/or additions be unaceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Cancel claims 1, 11-14.

REASONS FOR ALLOWANCE

3. Claims 2-10 are allowed.

4. The following is an examiner's statement of reasons for allowance: None of the references of record teaches or suggests as cited in claims 2, 3, 4, 5, 6, 7: An electrolytic capacitor

comprising: an electrode employing niobium alloy, wherein a dielectric layer is formed on a surface of the electrode by anodizing the electrode, and wherein the niobium alloy employed as the electrode is formed by alloying niobium with at least one type of additive metal selected from a group consisting of tungsten, vanadium, zinc, aluminum, molybdenum , and hafnium (as cited in claim 2); an electrode employing niobium alloy, wherein a dielectric layer is formed on a surface of the electrode by anodizing the electrode, and wherein the niobium alloy employed as the electrode contains aluminum, and the dielectric layer formed on a surface of the electrode contains niobium oxide and aluminum oxide (as cited in claim 3); an electrode employing titanium alloy, wherein a dielectric layer is formed on a surface of the electrode by anodizing the electrode, and wherein the titanium alloy employed as the electrode is formed by alloying titanium with at least one type of additive metal selected from a group consisting of tungsten, vanadium, zinc, aluminum, molybdenum , and hafnium (as cited in claim 4); an electrode employing tungsten alloy, wherein a dielectric layer is formed on a surface of the electrode by anodizing the electrode, and wherein the tungsten alloy employed as the electrode is formed by alloying tungsten with at least one type of additive metal selected from a group consisting of tantalum, vanadium, zinc, aluminum, molybdenum , and hafnium (as cited in claim 5); an electrode employing one type of an alloy selected from a group consisting of niobium alloy, titanium alloy, and tungsten alloy, wherein a dielectric layer is formed on a surface of the electrode by anodizing the electrode, and wherein a total content of the additive metal content of each alloy is in a range of 0.01 to 10 wt% (a s cited in claim 6); an electrode of mixed sinter of niobium and aluminum made by sintering mixed powder of niobium and

aluminum, wherein a dielectric layer containing niobium oxide and aluminum oxide is formed on a surface of the electrode by anodizing the electrode (as cited in claim7).

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

CONCLUSION

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Gerard J. Villani (3, 597,664): Niobium-Zirconium-Titanium Capacitor Electrode.

7. Any inquiry concerning this communication on earlier communications from the examiner should be directed to David Nhu , (571)272-1792. The examiner can normally be reached on Monday-Friday from 7:30 AM to 5:00 PM.

The examiner's supervisor, David Nelms can be reached on (571)272-1787.

The fax phone number for the organization where this application or proceeding is assigned is (703)872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956

David Nhu DN

September 20, 2004

DAVID NHU
PRIMARY EXAMINER